IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

WP(C).No. 30811 of 2006(R)

PETITIONER:

A.V.SALILA, AGED 48 YEARS,
W/O.HARSHAKUMAR, VEDIC HOUSE,
PERUVARAM WEST, NORTH PARAVOOR,
ERNAKULAM DISTRICT.

BY ADV. SRI.T.A.UNNIKRISHNAN
SMT.RESHMI POULOSE

RESPONDENTS:

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1. THE GOVERNMENT SERVANTS
CO.OPERATIVE SOCIETY LTD. NO.123,
NORTH PARAVUR, ERNAKULAM DIST.
REP.BY ITS SECRETARY.

ADDL. SECOND RESPONDENT

2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
TRIVANDRUM. (Impleaded as per the order dated 24.11.2006 in I.A.16359/06)

BY GOVERNMENT PLEADER P.N. SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).30811/2006

APPENDIX

PETITIONER'S EXHIBIT:-

EXT.P1- TRUE COPY OF THE REQUEST DATED 5.8.2006 SUBMITTED BY PETITIONER TO THE RESPONDENT.

(TRUE COPY)

P.A TO JUDGE

J.M. JAMES, J.

W.P.(C) No. 30811/2006

Dated this the 24th November, 2006.

JUDGMENT

The writ petitioner, A.V.Salila, is working as Additional Sales Tax Officer, IVth Circle, Ravipuram, Ernakulam, Kochi. She had availed a loan from the first respondent, Co-operative Society. As per the letter dated 1.8.2006, the respondent had fixed the amount due to it as Rs.2,05,633/-.

2. It is submitted by the learned counsel that the instalement amount was regularly paid and the fixed deposit held by the writ petitioner, with the respondent, society, was also allowed to be adjusted towards the amount due to the respondent, society. However, the amount claimed by the respondent is not according to the amount actually due to it and, therefore, through Ext.P1 representation, the writ petitioner sought to clarify, informing her the correct amount, which she had remitted, to settle the loan amount under the one time settlement scheme and also to instruct the Sub Treasury, Ernakulam, to permit her to continue to draw her salary including the arrears from May, 2005. She

also undertook, through Ext.P1, that immediately after the salary is allowed to be drawn and the GPF loan is sanctioned, she would settle the loan amount.

3. The learned counsel submits that because of the intervention of the bank, the writ petitioner, who is suffering from various serious ailments could not remit the instalement amount. Hence she could not make payments as required, which resulted in the demand of the amount due. Therefore, the prayer of the writ petitioner is to direct the respondent, society, to issue a statement of accounts of the loan availed by the writ petitioner from the respondent, and allow her to clear the loan by availing all the benefits under the one time settlement scheme.

4. I heard the learned counsel for the writ petitioner and also the learned Senior Government Pleader for the second respondent.

5. In the above facts situation, I direct the first respondent, Society, to consider the request contained in Ext.P1 and allow her to avail all the benefits and facilities of one time settlement scheme, as per Circular No.27/2006 dated 29.6.2006 which is valid upto 31.12.2006. This shall be done within two weeks from the date of receipt of a copy

of this judgment.

6. Immediately on passing of the order under Ext.P1 as per the one time settlement scheme, the writ petitioner shall be allowed to draw her salary and all the dues, for which she is entitled.

The writ petition is disposed of as above.

J.M. JAMES,
JUDGE

mrcs